

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
S/S Glen Arm Road, 1,090' W of *
the c/l of Long Green Pike * ZONING COMMISSIONER
(12047 Glen Arm Road) *
11th Election District * OF BALTIMORE COUNTY
6th Councilmanic District * Case No. 96-218-SPH

Fairhaven Limited Partnership *
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 12047 Glen Arm Road, located in the vicinity of Long Green Pike in Glen Arm. The Petition was filed by the owner of the property, Fairhaven Limited Partnership, by Paul W. Botzler, General Partner, and the Contract Lessee, John H. Franz, Jr. The Petitioners seek approval of the use and occupancy of the subject property by the business of a cabinet maker/distributor, as a permissible nonconforming use, on the basis of continued, uninterrupted similar ML use of the existing building on the site. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Paul W. Botzler, property owner, and John H. Franz, Jr., the Contract Lessee. There were no Protestants present.

The facts presented in support of this request are uncontradicted and disposition of this Petition hinges upon an interpretation of the zoning ordinance. Testimony and evidence offered revealed that the subject property consists of 1.858 acres, zoned B.L.-C.R., and is roughly rectangular in shape with a "handle" to the rear of the property. Two structures exist on the property, the first of which is a small two-story

ORDER RECEIVED FOR FILING

Date

By

structure to the front of the site, known as 12045 Glen Arm Road. This structure is presently used as an office building and contains the business offices of Tamarack Construction Company, which is owned and operated by the property owner, Paul W. Botzler, a Professional Engineer. The second structure is a large one-story building located to the rear of the property. This structure is known as 12047 Glen Arm Road and is the subject of this Petition. It is within this building that the co-Petitioner, Mr. Franz, wishes to locate his cabinetmaking/distributing business.

In this regard, Mr. Franz testified that he owns and operates a cabinetmaking business in Kingsville and that his shop presently employs four (4) cabinetmakers, including himself. Mr. Franz testified that his business has grown over the years and that he now needs a larger building. The subject building, which contains approximately 5,556 sq.ft., has been determined to be an appropriate facility. Mr. Franz generally described the operation of his business, the manufacturing process used, and the anticipated impact of the proposed use on the surrounding locale.

From a practical standpoint, it appears that the proposed cabinet-making business would not be an inappropriate use of the subject property. Unfortunately for the Petitioners, however, this case does not come before me on a Petition for Special Exception. In that event, it would be incumbent upon this Zoning Commissioner to determine whether the proposed use would be detrimental to the health, safety or general welfare of the vicinity. The record of this case will disclose that uncontradicted testimony was presented that the proposed use would not adversely affect the surrounding locale. Notwithstanding this conclusion, those considerations are not the issue in this case.

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Date

By

Rather, this matter comes before this Zoning Commissioner as a Petition for Special Hearing, seeking a nonconforming use designation for the subject building. A nonconforming use is defined in Section 101 of the B.C.Z.R. as:

"A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use. A specifically named use described by the adjective "nonconforming" is a nonconforming use." (emphasis added).

In essence, a nonconforming use designation is often utilized to grandfather an otherwise illegal use. Nonconforming uses are regulated by Section 104 of the B.C.Z.R. That Section provides that nonconforming uses may continue for so long as same are not abandoned or discontinued for a period of more than one year. Other language within Section 104 regulates nonconforming uses in the event of fire or casualty, and the expansion of same.

In the subject case, the testimony and evidence presented established that the subject property was zoned M.L. prior to 1988. Under that zoning classification, many manufacturing processes were permitted, including the manufacture of wood products. Mr. Botzler testified that a number of manufacturing firms have utilized the building at 12047 Glen Arm Road over the years. Previously, a fabricated metal parts company operated on the premises, and later, a packaging warehouse/distribution center operated thereon. In 1980, a company specializing in the manufacture of stencils and labels occupied the site. That company is presently ceasing operations on the property, and thus, Mr. Botzler proposes leasing the premises to Mr. Franz for his cabinetmaking business. The property was rezoned B.L.-C.R. in 1988. That classification prohibits manufacturing operations.

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The question presented is whether historical use of the site, in its broad sense, will permit the proposed use. That is, it is clear that manufacturing processes have been conducted on the site; however, it is equally apparent that the proposed manufacturing process (cabinet/furniture making) is a "new use" of this property. Although the stencil/label operation is clearly "nonconforming", can that designation be passed on to a different manufacturing use?

In McKemy v. Baltimore County, 39 Md. App. 257 (1978), the Maryland Court of Special Appeals discussed the nonconforming use statute in Baltimore County. At issue in that case was a nonconforming property which had been utilized as a parking lot to support a nearby business, and whether that property should retain its nonconforming status when the nature of the business changed. In addressing this issue, the Court stated that four factors should be evaluated; namely: 1) to what extent does the current use of the property reflect the nature and purpose of the original nonconforming use; 2) is the current use merely a different manner of utilizing the original nonconforming use, or does it constitute a use different in character, nature, and kind; 3) does the current use have a substantially different effect upon the neighborhood; and, 4) is the current use a drastic enlargement or extension of the original nonconforming use?

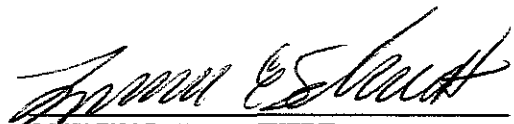
In National Institutes of Health Federal Credit Union v. Hawk, 47 Md. App. 189 (1980) a similar issue was presented. There, a building utilized for a nonconforming use (i.e., a scientific headquarters) obtained a new tenant (i.e., a credit union-financial services center). The Court held that this alteration of use was an improper extension of same, even when there was no outward change in the appearance of the facility.

After due consideration of the issue presented in this case, I am not convinced that nonconforming use status should be extended to the use proposed. Although the proposed cabinetmaking operation will be a manufacturing process, the process proposed is different in character, nature and kind from the previous manufacturing operations. To adopt the Petitioner's position would be to conclude that all manufacturing processes are identical. Clearly, they are not. The type of process employed here is significantly different than the process utilized to manufacture stencils and labels. Moreover, the impacts of the proposed use in terms of delivery schedules, customer service, etc., will be different. Although the proposed utilization of the property will not be detrimental to the site, it is not nonconforming. It is up to the County Council to revisit the issue of this property's zoning classification if the proposed use is to be allowed.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of February, 1996 that the Petition for Special Hearing seeking approval of the use and occupancy of the subject property by a cabinet maker/distributor, as a permissible nonconforming use, on the basis of continued, uninterrupted similar ML use of the existing building on the site, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

LES:bjs


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

By



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

February 1, 1996

Mr. Paul W. Botzler
Fairhaven Limited Partnership
P.O. Box 226
Glen Arm, Maryland 21057

RE: PETITION FOR SPECIAL HEARING
S/S Glen Arm Road, 1,090' W of the c/l of Long Green Pike
(12047 Glen Arm Road)
11th Election District - 6th Councilmanic District
Fairhaven Limited Partnership - Petitioner
Case No. 96-218-SPH

Dear Mr. Botzler:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. John H. Franz, Jr.
P.O. Box 146, Kingsville, Md. 21087

People's Counsel

File



Petition for Special Hearing

96-218-SPH
to the Zoning Commissioner of Baltimore County

for the property located at 12047 Glen Arm Rd.
which is presently zoned BL-CR

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

the use and occupancy of the above referenced premises by the business of a cabinet maker/distributor, namely John H. Franz, Jr. Furniture and Cabinetmakers, Inc., as a permissible non-conforming use, on the basis of continued, non interrupted similar ML use of the building since 1980, when the underlying zoning was ML.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

John H. Franz Jr.
(Type or Print Name)
[Signature]
Signature
PO Box 146
Address
Kingville, MD 21087
City State Zipcode

Attorney for Petitioner

[Signature]
(Type or Print Name)
[Signature]
Signature
[Address]
Address Phone No.
[City] [State] [Zipcode]
City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Fairhaven Ltd. Partnership
(Type or Print Name)
[Signature]
Signature
Paul W. Botzler, gen. partner
(Type or Print Name)
[Signature]
Signature

PO BOX 226 592-5020
Address Phone No.
Glen Arm MD 21057
City State Zipcode
Name, Address and phone number of representative to be contacted.

See above
Name
[Address]
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 1 hr.
unavailable for Hearing

the following dates [Signature] Next Two Months
ALL OTHER
REVIEWED BY: WJK DATE 11/22/95

ORDER RECEIVED FOR FILING

Date 8/1/96
BY [Signature]

96-218-SPH

Zoning Description; 12045-7 Glen Arm RD.

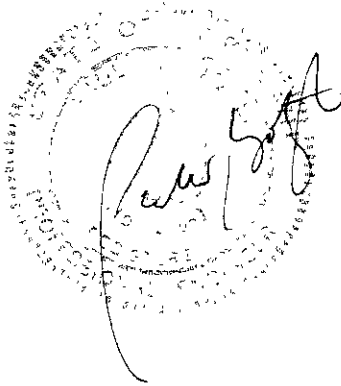
Beginning at a point on the south side of Glen Arm Road which is .30 feet wide at the distance of 1090 feet west of the center line of its intersection with Long Green Pike which is 30' wide. Thence the following courses and distances:

S. $41^{\circ}23'14''$ E. 129.78', S. $41^{\circ}23'14''$ E. 87.72'
S. $53^{\circ}12'24''$ W. 88.5', S. $51^{\circ}42'24''$ W. 100.15'
S. $49^{\circ}12'24''$ W. 50.07', S. $46^{\circ}27'24''$ W. 50.07'
S. $44^{\circ}27'24''$ W. 50.07', S. $42^{\circ}27'24''$ W. 50.07'
S. $40^{\circ}27'24''$ W. 50.07', S. $38^{\circ}27'24''$ W. 60.1'
N. $46^{\circ}49'14''$ W. 39.34', N. $39^{\circ}39'46''$ E. 99.99'
N. $44^{\circ}08'46''$ E. 50.8', N. $46^{\circ}49'14''$ W. 175.63'

and

N. $48^{\circ}35'06''$ E. 367.84' to the place of beginning

as recorded in Deed Liber 8673 Folio 655



W. W. G. H. L. L.

#218

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-2188PH

District 11th

Date of Posting 12/18/93

Posted for: Special Hearing

Petitioner: Shon H. Franz, Jr. Fairhaven Home Co.

Location of property: 17047 Glen Arm Rd.

Location of Sign: Facing road on property being zoned

Remarks: _____

Posted by: _____

Signature

Date of return: 12/18/93

Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: A93-10-SFH
(Item 418)
1204 Old Am. Road

6/8 Old Am. Road, 1000' W
of Old Long

Green Pike

11th Election District

6th Councilmatic

Legal Owner(s):

Fairhaven Limited Partnership

Contact Purchaser:

John H. Franz, Jr.

Hearing: Wednesday, December 27, 1995 at 11:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing: to approve the use and occupancy of the premises by the business of a cabinet maker/distributor as a permissible non-conforming use.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call 887-3353.

(2) For information concerning the file and/or Hearing, Please Call 887-3391.

12/022 Dec. 7 020973

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/8, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/7, 1995.

THE JEFFERSONIAN,

A. H. Erickson

LEGAL AD. - TOWSON

~~Publisher~~

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

010110

96-218-SPH

DATE 11/22/95

ACCOUNT 01-615

Item. 218

By: mtk

AMOUNT \$ 285.00

RECEIVED FROM: Fairbourn LLC Pct. - 12047 Glen Aron Rd.

FOR: 040- Comm Sp. Hc. - \$250.00
080- 1 size party - \$35.00
\$285.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER
YELLOW - CUSTOMER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 218 Petitioner: Fairhaven Ltd. Partnership

Location: 12047 Glen Arm Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Fairhaven Ltd. Partnership

ADDRESS: PO Box 226

Glen Arm, MD 21057

PHONE NUMBER: 592-5020



TO: PUTUXENT PUBLISHING COMPANY

December 7, 1995 Issue - Jeffersonian

Please forward billing to:

Fairhaven Limited Partnership

P. O. Box 226

Glen Arm, MD 21057

592-5020

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-218-SPH (Item 218)

12047 Glen Arm Road

S/S Glen Arm Road, 1090' W of c/l Long Green Pike

11th Election District - 6th Councilmanic

Legal Owner: Fairhaven Limited Partnership

Contract Purchaser: John H. Franz, Jr.

Special Hearing to approve the use and occupancy of the premises by the business of a cabinet maker/distributor as a permissible non-conforming use.

HEARING: WEDNESDAY, DECEMBER 27, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 1, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-218-SPH (Item 218)
12047 Glen Arm Road
S/S Glen Arm Road, 1090' W of c/l Long Green Pike
11th Election District - 6th Councilmanic
Legal Owner: Fairhaven Limited Partnership
Contract Purchaser: John H. Franz, Jr.

Special Hearing to approve the use and occupancy of the premises by the business of a cabinet maker/distributor as a permissible non-conforming use.

HEARING: WEDNESDAY, DECEMBER 27, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Fairhaven Limited Partnership
John H. Franz, Jr.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



12/8/95
to WCR

5790.-95

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director **DATE:** December 7, 1995
Department of Permits and
Development Management

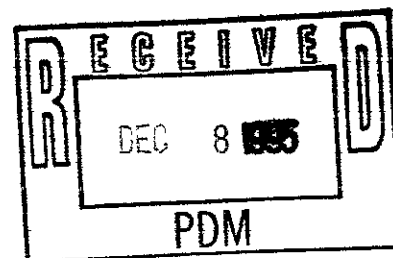
FROM: Ervin McDaniel, Chief
Strategic Planning Division
Office of Planning

SUBJECT: Undersized Lot 11012 Powers Avenue

Pursuant to Section 304.2 Baltimore County Zoning Regulations, the Office of Planning recommends approval of the referenced undersized lot application.

Francis Morsey for
Ervin McDaniel

EMcD/FJM/BH:rdn



11012PWS.LAN/PZONE/MINOR

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: December 7, 1995
 Department of Permits and
 Development Management

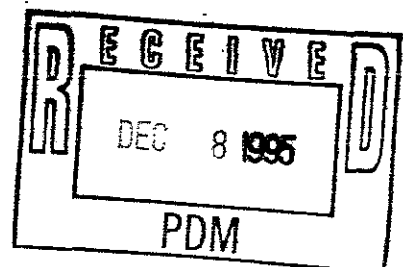
FROM: Ervin McDaniel, Chief
 Strategic Planning Division
 Office of Planning

SUBJECT: Undersized Lot 11012 Powers Avenue

Pursuant to Section 304.2 Baltimore County Zoning Regulations, the Office of Planning recommends approval of the referenced undersized lot application.

Francis Morsey for
Ervin McDaniel

EMcD/FJM/BH:rdn



CASE NUMBER: 96-218-SPH (Item 218)

12047 Glen Arm Road
S/S Glen Arm Road, 1090' W of c/1 Long Green Pike
11th Election District - 6th Councilmanic
Legal Owner: Fairhaven Limited Partnership
Contract Purchaser: John H. Franz, Jr.

Special Hearing to approve the use and occupancy of the premises by the
business of a cabinet maker/distributor as a permissible non-conforming
use.

HEARING: WEDNESDAY, DECEMBER 27, 1995 at 11:00 a.m. in Room 118, Old
Courthouse.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 20, 1995

Paul W. Bozler
P. O. Box 226
Glen Arm, Maryland 21057

RE: Item No.: 218
Case No.: 96-218-SPH
Petitioner: P. W. Bozler

Dear Mr. Bozler:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 22, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).


Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Dec. 8, 1995
Zoning Administration and Development Management

FROM:  Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for December 11, 1995
Item No. 218

The Development Plans Review Division has reviewed the subject zoning item. We recommend that the parking lot be required to be buffered from Glen Arm Road. A final landscape plan should be approved as a condition of the Zoning Order.

RWB:sw

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 12/07/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: FAIRHAVEN LIMITED PARTNERSHIP

LOCATION: S/S GLEN ARM RD., 1090' W OF CENTERLINE LONG GREEN PK.
(12047 GLEN ARM RD.)

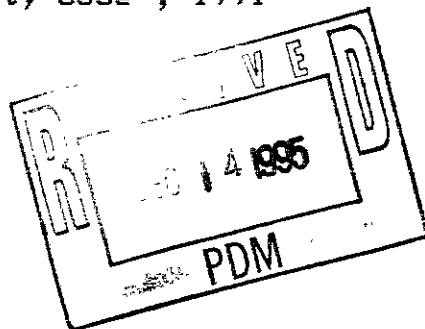
Item No.: 218

Zoning Agenda: SPECIAL HEARING

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.



REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ~~ZAPM~~ PDM - Joyce Watson

DATE: 12/12/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee

Agenda: 11/27/95 and 12/11/95
12/4/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

11/27/95

Item #'s: 205
207
209
213
214

12/11/95

220 thru 231
and
Rev. #195

12/4/95

215
217
218 ✓
219

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: December 11, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 217, (218), 219, 220, 223, 225, and 230

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Pat Keller

PK/JL



**Maryland Department of Transportation
State Highway Administration**

David L. Winslead
Secretary
Hal Kassoff
Administrator

12-5-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 218 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

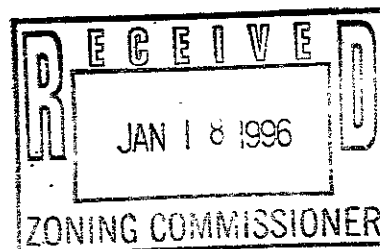
BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

96-218



DRE THE
ING COMMISSIONER
BALTIMORE COUNTY

3 NO. 96-218-SPH

* * * *

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

LARRY SCHMIDT, ZONING COMMISSIONER

TO: Arnold Jablon, Director DATE: Dec. 21, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for December 18, 1995
Item 220

al in the above-
g dates or other
reliminary or

Zimmerman

r Baltimore County

Demilio

asel

ie

The Development Plans Review Division has reviewed the subject zoning item. Oliver Beach Road is an existing road, which shall ultimately be improved as a 40-foot street cross-section on a 60-foot right-of-way.

The 10-foot revertible slope is necessary to support the road cross-section and ultimate 2 to 1 slope.

The proposed garage shall not interfere with the line of sight.

A MINIMUM SETBACK OF 5 FEET FROM PROPERTY LINE

We recommend that ~~this variance be denied~~.

Be Held.
RWB:sw

RWB 1/17/96

ber, 1995, a copy

al Owner

G.P., P.O. Box

n H. Franz, Jr.,

Zimmerman

MICROFILMED

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

JOHN H. FRANZ, JR.

P.O. Box 146

11606 BECAIR RD. Kingsville, MD.

21087

PAUL W. BOTZLER

P.O. Box 226 Glen Arm Md. 21057



RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
12047 Glen Arm Road, S/S Glen Arm Road,		
1090' W of c/l Long Green Pike, 11th	*	ZONING COMMISSIONER
Election District - 6th Councilmanic	*	
	*	OF BALTIMORE COUNTY
Legal Owner: Fairhaven Limited Partnership		
Contract Purchaser: John H. Franz, Jr.		
Petitioners	*	CASE NO. 96-218-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of December, 1995, a copy of the foregoing Entry of Appearance was mailed to Legal Owner Fairhaven Limited Partnership, Attn: Paul W. Botzler, G.P., P.O. Box 226, Glen Arm, MD 21057, and to Contract Purchaser John H. Franz, Jr., P.O. Box 146, Kingsville, MD 21087, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED

IN RE: PETITION FOR SPECIAL HEARING
S/S Glen Arm Road, 1,090' W of
the c/l of Long Green Pike
(12047 Glen Arm Road)
11th Election District
6th Councilmanic District
Fairhaven Limited Partnership
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-218-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 12047 Glen Arm Road, located in the vicinity of Long Green Pike in Glen Arm. The Petition was filed by the owner of the property, Fairhaven Limited Partnership, by Paul W. Botzler, General Partner, and the Contract Lessee, John H. Franz, Jr. The Petitioners seek approval of the use and occupancy of the subject property by the business of a cabinet maker/distributor, as a permissible nonconforming use, on the basis of continued, uninterrupted similar ML use of the existing building on the site. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Paul W. Botzler, property owner, and John H. Franz, Jr., the Contract Lessee. There were no Protestants present.

The facts presented in support of this request are uncontradicted and disposition of this Petition hinges upon an interpretation of the zoning ordinance. Testimony and evidence offered revealed that the subject property consists of 1.858 acres, zoned B.L.-C.R., and is roughly rectangular in shape with a "handle" to the rear of the property. Two structures exist on the property, the first of which is a small two-story

structure to the front of the site, known as 12045 Glen Arm Road. This structure is presently used as an office building and contains the business offices of Tamarack Construction Company, which is owned and operated by the property owner, Paul W. Botzler, a Professional Engineer. The second structure is a large one-story building located to the rear of the property. This structure is known as 12047 Glen Arm Road and is the subject of this Petition. It is within this building that the co-Petitioner, Mr. Franz, wishes to locate his cabinetmaking/distributing business.

In this regard, Mr. Franz testified that he owns and operates a cabinetmaking business in Kingsville and that his shop presently employs four (4) cabinetmakers, including himself. Mr. Franz testified that his business has grown over the years and that he now needs a larger building. The subject building, which contains approximately 5,556 sq.ft., has been determined to be an appropriate facility. Mr. Franz generally described the operation of his business, the manufacturing process used, and the anticipated impact of the proposed use on the surrounding locale.

From a practical standpoint, it appears that the proposed cabinetmaking business would not be an inappropriate use of the subject property. Unfortunately for the Petitioners, however, this case does not come before me on a Petition for Special Exception. In that event, it would be incumbent upon this Zoning Commissioner to determine whether the proposed use would be detrimental to the health, safety or general welfare of the vicinity. The record of this case will disclose that uncontradicted testimony was presented that the proposed use would not adversely affect the surrounding locale. Notwithstanding this conclusion, those considerations are not the issue in this case.

- 2 -

Rather, this matter comes before this Zoning Commissioner as a Petition for Special Hearing, seeking a nonconforming use designation for the subject building. A nonconforming use is defined in Section 101 of the B.C.Z.R. as:

"A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use. A specifically named use described by the adjective "nonconforming" is a nonconforming use." (emphasis added).

In essence, a nonconforming use designation is often utilized to grandfather an otherwise illegal use. Nonconforming uses are regulated by Section 104 of the B.C.Z.R. That Section provides that nonconforming uses may continue for so long as same are not abandoned or discontinued for a period of more than one year. Other language within Section 104 regulates nonconforming uses in the event of fire or casualty, and the expansion of same.

In the subject case, the testimony and evidence presented established that the subject property was zoned M.L. prior to 1988. Under that zoning classification, many manufacturing processes were permitted, including the manufacture of wood products. Mr. Botzler testified that a number of manufacturing firms have utilized the building at 12047 Glen Arm Road over the years. Previously, a fabricated metal parts company operated on the premises, and later, a packaging warehouse/distribution center operated thereon. In 1980, a company specializing in the manufacture of stencils and labels occupied the site. That company is presently ceasing operations on the property, and thus, Mr. Botzler proposes leasing the premises to Mr. Franz for his cabinetmaking business. The property was rezoned B.L.-C.R. in 1988. That classification prohibits manufacturing operations.

- 3 -

The question presented is whether historical use of the site, in its broad sense, will permit the proposed use. That is, it is clear that manufacturing processes have been conducted on the site; however, it is equally apparent that the proposed manufacturing process (cabinet/furniture making) is a "new use" of this property. Although the stencil/label operation is clearly "nonconforming", can that designation be passed on to a different manufacturing use?

In McKemy v. Baltimore County, 39 Md. App. 257 (1978), the Maryland Court of Special Appeals discussed the nonconforming use statute in Baltimore County. At issue in that case was a nonconforming property which had been utilized as a parking lot to support a nearby business, and whether that property should retain its nonconforming status when the nature of the business changed. In addressing this issue, the Court stated that four factors should be evaluated; namely: 1) to what extent does the current use of the property reflect the nature and purpose of the original nonconforming use; 2) is the current use merely a different manner of utilizing the original nonconforming use, or does it constitute a use different in character, nature, and kind; 3) does the current use have a substantially different effect upon the neighborhood; and, 4) is the current use a drastic enlargement or extension of the original nonconforming use?

In National Institutes of Health Federal Credit Union v. Hawk, 47 Md. App. 183 (1980) a similar issue was presented. There, a building utilized for a nonconforming use (i.e., a scientific headquarters) obtained a new tenant (i.e., a credit union-financial services center). The Court held that this alteration of use was an improper extension of same, even when there was no outward change in the appearance of the facility.

- 4 -

After due consideration of the issue presented in this case, I am not convinced that nonconforming use status should be extended to the use proposed. Although the proposed cabinetmaking operation will be a manufacturing process, the process proposed is different in character, nature and kind from the previous manufacturing operations. To adopt the Petitioner's position would be to conclude that all manufacturing processes are identical. Clearly, they are not. The type of process employed here is significantly different than the process utilized to manufacture stencils and labels. Moreover, the impacts of the proposed use in terms of delivery schedules, customer service, etc., will be different. Although the proposed utilization of the property will not be detrimental to the site, it is not nonconforming. It is up to the County Council to revisit the issue of this property's zoning classification if the proposed use is to be allowed.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of February, 1996 that the Petition for Special Hearing seeking approval of the use and occupancy of the subject property by a cabinet maker/distributor, as a permissible nonconforming use, on the basis of continued, uninterrupted similar ML use of the existing building on the site, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

LES:bjs

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

February 1, 1996

Mr. Paul W. Botzler
Fairhaven Limited Partnership
P.O. Box 226
Glen Arm, Maryland 21057

RE: PETITION FOR SPECIAL HEARING
S/S Glen Arm Road, 1,090' W of the c/l of Long Green Pike
(12047 Glen Arm Road)
11th Election District - 6th Councilmanic District
Fairhaven Limited Partnership - Petitioner
Case No. 96-218-SPH

Dear Mr. Botzler:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. John H. Franz, Jr.
P.O. Box 146, Kingsville, Md. 21087

People's Counsel

File



Petition for Special Hearing
96-218-SPH
to the Zoning Commissioner of Baltimore County

for the property located at 12047 Glen Arm Rd.
which is presently zoned B.L.-C.R.

This Petition shall be filed with the Department of Permits & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

the use and occupancy of the above referenced premises by the business of a cabinet maker/distributor, namely John H. Franz, Jr. Furniture and Cabinetmakers, Inc., as a permissible non-conforming use, on the basis of continued, non interrupted similar ML use of the building since 1980, when the underlying zoning was ML.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:
John H. Franz, Jr.
(Type or Print Name)
Signature
John H. Franz, Jr.
P.O. Box 146
Kingsville, MD 21087
City State Zipcode

Attorney for Petitioner:
(Type or Print Name)
Signature
Phone No.
State Zipcode

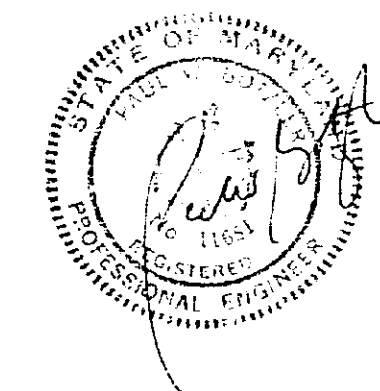
ORDER RECEIVED FOR FILING
Date 2/1/96
By [Signature]

Legal Owner(s):
Fairhaven Ltd. Partnership
(Type or Print Name)
Signature
Paul W. Botzler, gen. partner
(Type or Print Name)
Signature
P.O. Box 226 5925020
Glen Arm MD 21057
City State Zipcode
Name
See above
Address
Phone No.
OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
Uninterruptible for Hearing
Next Two Months
ALL
REVIEWED BY: [Signature] DATE: 2/1/96

Zoning Description; 12045-7 Glen Arm RD.

Beginning at a point on the south side of Glen Arm Road which is .30 feet wide at the distance of 1090 feet west of the center line of its intersection with Long Green Pike which is 30' wide. Thence the following courses and distances:

S. 41°23'14"E. 129.78', S. 41°23'14"E. 87.72'
S. 53°12'24"W. 88.5', S. 51°42'24"W. 100.15'
S. 49°12'24"W. 50.07', S. 46°27'24"W. 50.07'
S. 44°27'24"W. 50.07', S. 42°27'24"W. 50.07'
S. 40°27'24"W. 50.07', S. 38°27'24"W. 60.1'
N. 46°49'14"W. 39.34', N. 39°39'46"E. 99.99'
N. 44°08'46"E. 50.8', N. 46°49'14"W. 175.63'
and
N. 48°35'06"E. 367.84' to the place of beginning
as recorded in Deed Liber 8673 Folio 655



#218

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1104 Date of Posting: 12/18/95
Posted for: Special Hearing
Petitioner: John H. Franz, Jr. Fairhaven Limited Partnership
Location of property: 12047 Glen Arm Rd.
Location of Sign: Along road way on property being zoned
Remarks:
Posted by: W. Carl Richards, Jr. Date of return: 12/18/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/18, 1995
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/17, 1995.

THE JEFFERSONIAN,
A. H. Henrichson
LEGAL AD. - TOWSON

Publisher

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 011110
DATE: 11/22/95 ACCOUNT: 01-815
Item: 218
13: 218
AMOUNT: \$285.00
RECEIVED: Fairhaven Ltd. Partnership
FROM: 12047 Glen Arm Rd.
FOR: 0400 Comm Sp. Hg. - \$250.00
0800 - 1 sign post - \$35.00
VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 218 Petitioner: Fairhaven Ltd. Partnership
Location: 12047 Glen Arm Rd.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Fairhaven Ltd. Partnership
ADDRESS: PO Box 226
Glen Arm, MD 21057
PHONE NUMBER: 592-5020

TO: PUBLISHER PUBLISHING COMPANY
December 7, 1995 Issue - Jeffersonian

Please forward billing to:

Fairhaven Limited Partnership
P. O. Box 226
Glen Arm, MD 21057
592-5020

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-218-SPH (Item 218)

12047 Glen Arm Road
S/S Glen Arm Road, 1090' W of c/l Long Green Pike
11th Election District - 6th Councilmanic
Legal Owner: Fairhaven Limited Partnership
Contract Purchaser: John H. Franz, Jr.

Special Hearing to approve the use and occupancy of the premises by the business of a cabinet maker/distributor as a permissible non-conforming use.

HEARING: WEDNESDAY, DECEMBER 27, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

LAURENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 1, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-218-SPH (Item 218)
12047 Glen Arm Road
S/S Glen Arm Road, 1090' W of c/l Long Green Pike
11th Election District - 6th Councilmanic
Legal Owner: Fairhaven Limited Partnership
Contract Purchaser: John H. Franz, Jr.

Special Hearing to approve the use and occupancy of the premises by the business of a cabinet maker/distributor as a permissible non-conforming use.

HEARING: WEDNESDAY, DECEMBER 27, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Fairhaven Limited Partnership
John H. Franz, Jr.

NOTES: (1) ZONING SIGN & POST MUST BE REMOVED BY 12:00 P.M. ON WEDNESDAY, DECEMBER 27, 1995.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 20, 1995

Paul W. Bozler
P. O. Box 226
Glen Arm, Maryland 21057

RE: Item No.: 218
Case No.: 96-218-SPH
Petitioner: P. W. Bozler

Dear Mr. Bozler:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 22, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

**BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: Dec. 8, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for December 11, 1995
Item No. 218

The Development Plans Review Division has reviewed the subject zoning item. We recommend that the parking lot be required to be buffered from Glen Arm Road. A final landscape plan should be approved as a condition of the Zoning Order.

RWB:ew

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 12/07/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: FAIRHAVEN LIMITED PARTNERSHIP

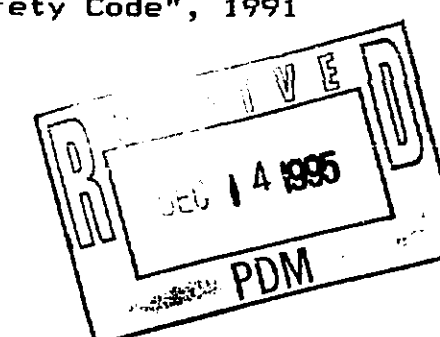
LOCATION: S/S GLEN ARM RD., 1090' W OF CENTERLINE LONG GREEN PK.
(12047 GLEN ARM RD.)

Item No.: 218 Zoning Agenda: SPECIAL HEARING

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM - Joyce Watson DATE: 12/12/95
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 11/27/95 and 12/11/95
12/4/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

11/27/95 12/11/95
Item #'s: 205 220 thru 231
207 and
209 Rev. #195
213
214

12/4/95

215
217
218
219

LS:sp

LETTY2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management
DATE: December 11, 1995
FROM: Pat Keller, Director
Office of Planning
SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 217, 219, 220, 223, 225, and 230

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long

Division Chief: Emily L. Kern

PK/JL

ITEM217/PZONE/ZAC1



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 218 (HSE)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

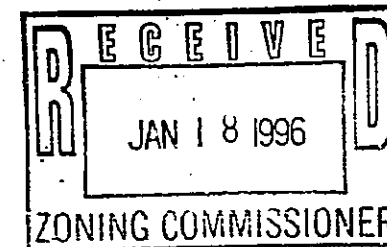
Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

LARRY SCHMIDT, Zoning Commissioner
TO: Arnold Jablon, Director DATE: Dec. 21, 1995
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division
RE: Zoning Advisory Committee Meeting
for December 18, 1995
Item 220

The Development Plans Review Division has reviewed the subject zoning item. Oliver Beach Road is an existing road, which shall ultimately be improved as a 40-foot street cross-section on a 60-foot right-of-way.

The 10-foot reversible slope is necessary to support the road cross-section and ultimate 2 to 1 slope.

The proposed garage shall not interfere with the line of sight. A MINIMUM SETBACK OF 5 FEET FROM PROPERTY LINE

We recommend that the variance be granted.

Be Held.
RWB:SW Rec 11/7/96

RE: PETITION FOR SPECIAL HEARING
12047 Glen Arm Road, S/S Glen Arm Road,
10900 W of c/I Long Green Pike, 11th
Election District - 6th Councilmanic
Legal Owner: Fairhaven Limited Partnership
Contract Purchaser: John H. Franz, Jr.
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-218-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

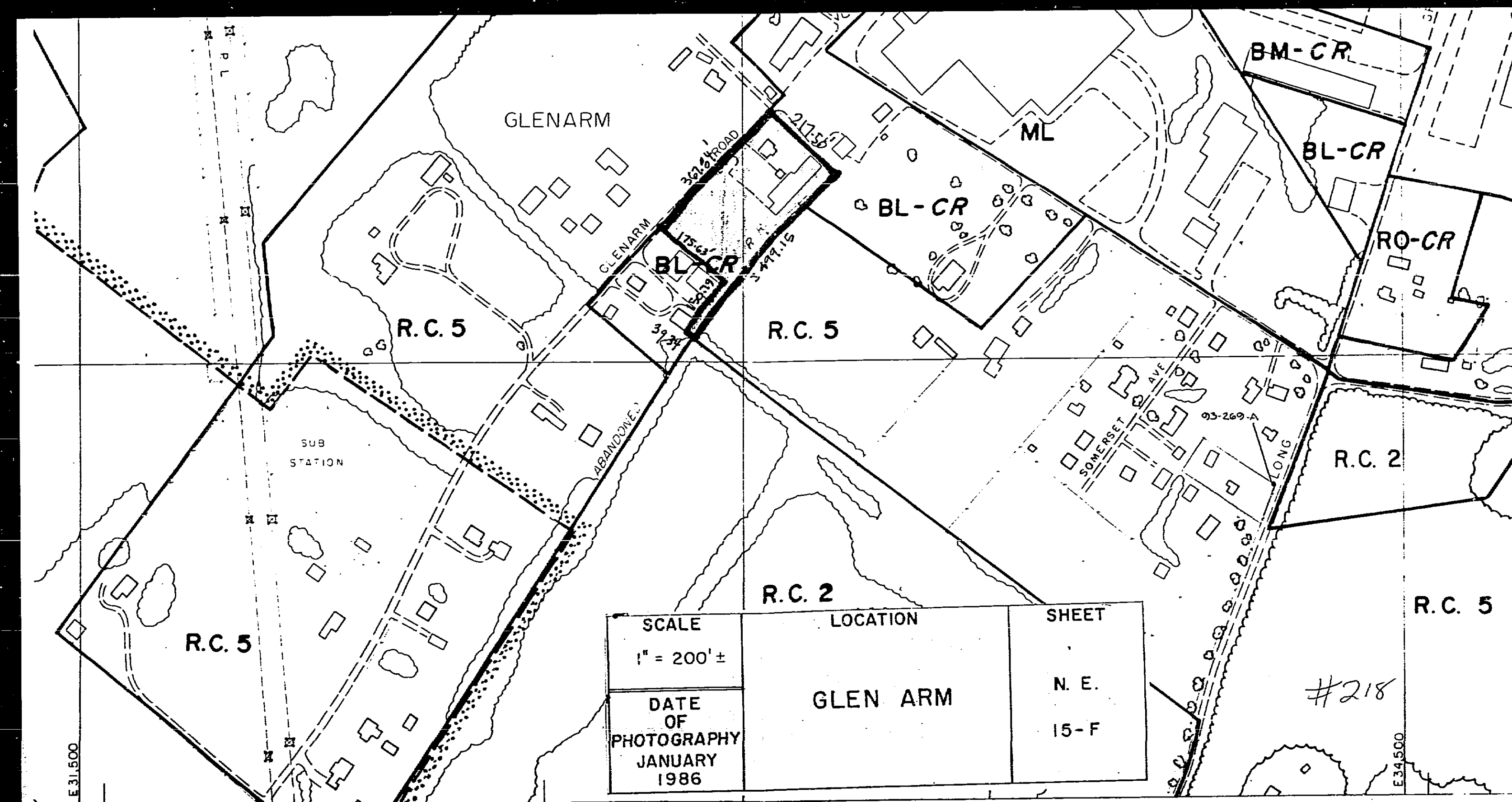
I HEREBY CERTIFY that on this 21st day of December, 1995, a copy of the foregoing Entry of Appearance was mailed to Legal Owner Fairhaven Limited Partnership, Attn: Paul W. Botzler, G.P., P.O. Box 226, Glen Arm, MD 21057, and to Contract Purchaser John H. Franz, Jr., P.O. Box 146, Kingsville, MD 21087, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

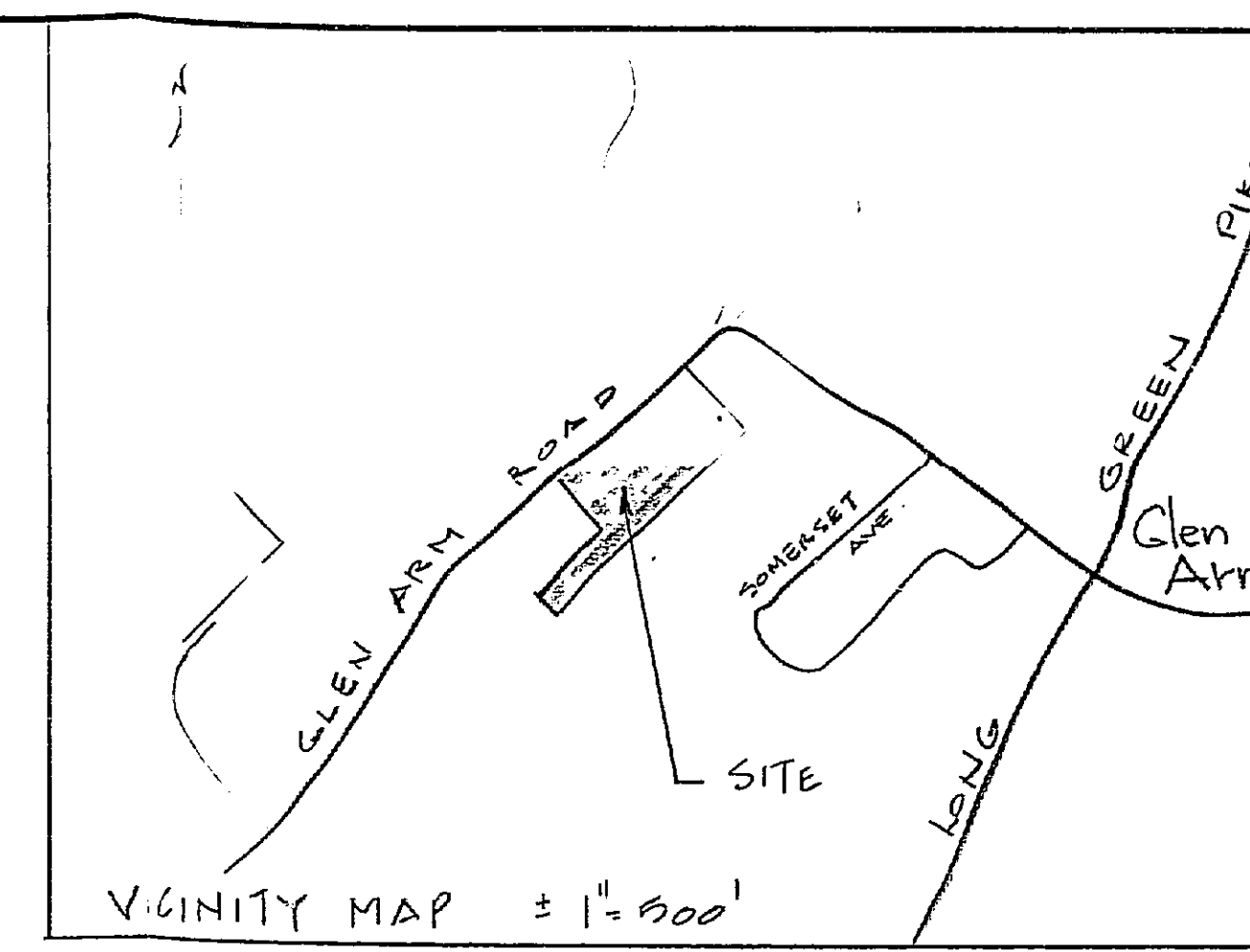
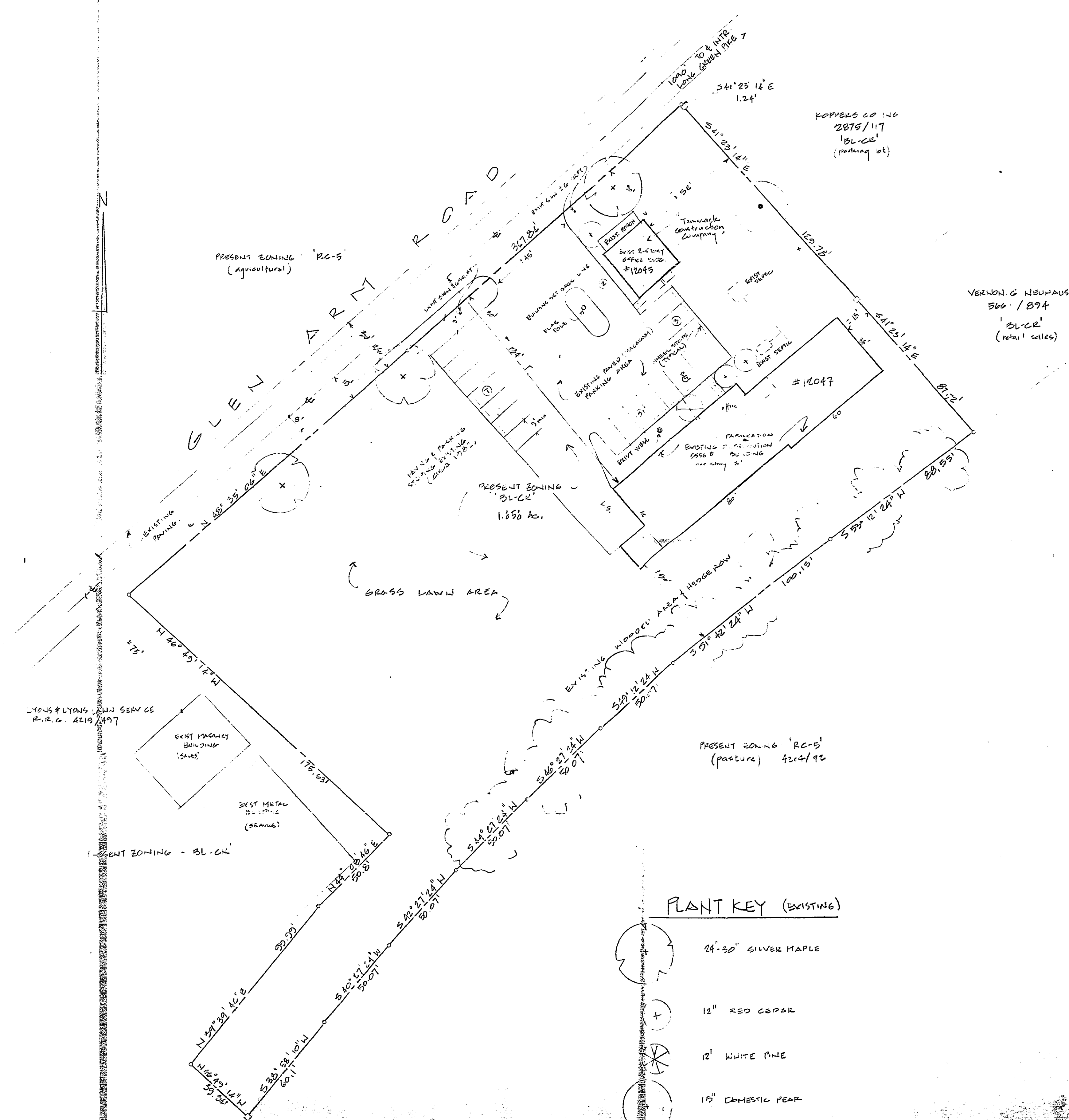
NAME ADDRESS
John H. Franz, Jr. P.O. Box 146
Paul W. Botzler 11406 Belair Rd. Kingsville, MD 21087
P.O. Box 226 Glen Arm, MD 21057



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

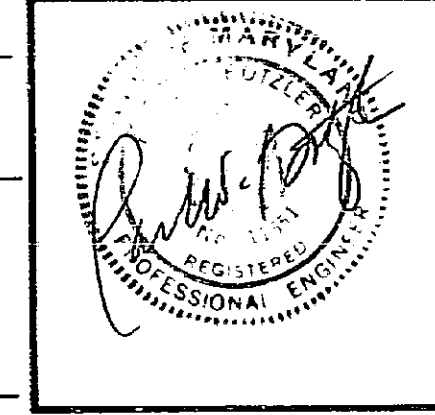
William H. Howard
Chairman, County Council



UNION
FAIRHAVEN LTD. PARTNERSHIP
20 BOX 226 MD 21057
GLEN ARM
DESIGN ENGINE
PAUL W. BOTTEL
12045 GLEN ARM MD
GLEN ARM MD 21057

12045-7 GLEN ARM ROAD

TAMARACK
CONSTRUCTION
COMPANY, INC.
Builders/Engineers/Developers
Box 226 Glen Arm, MD 21057



Date: APR 10 '92
Revisions:
1. Initial Design
2. Final Design
3. Final Construction

Sheet Title:
Sheet 1 of 1

SITE PLAN

1" = 30'

TO ACCOMMODATE THE SOCIAL HEALING FOR USE
OF PREMISES FOR CABINET MAKER/DISTRIBUTOR
12045 GLEN ARM ROAD, GLEN ARM, MD 21057
OWNED BY FAIRHAVEN LTD. PARTNERSHIP
20 BOX 226
GLEN ARM, MD 21057

PROPERTY: 1.858 AC.
ELEVENTH ELECTION DISTRICT
FOURTH COUNCILMANIC DISTRICT
F.A.R. = 0.340/0.2140 sqft = .068

PARKING CALCULATIONS (based on general, non-medical office)

EXISTING CAR BUILDING 900 SQFT OFFICE = 8.3/1000 = 3.1 REQ'D.
2000 / 1500 = 1.33 REQ'D.
EXISTING FRONT BUILDING 1400 SQFT OFFICE = 2.1/1000 = 4.8 REQ'D.

TOTAL PARKING SPACES REQ'D.	10.8 (11)
HANDICAPPED SPACES REQ'D.	1
TOTAL PARKING SPACES EXISTING	17
HANDICAPPED SPACES EXISTING	1
	18

PLANT KEY (EXISTING)

- 24'-30" SILVER MAPLE
- 12" RED CEDAR
- 12' WHITE PINE
- 15" DOMESTIC PEAR

96-218-SPH